

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 31, 1950
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, Mayor Glass
Absent: Councilman MacCorkle

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police; Dr. Ben Primer, City Health Officer.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be approved as individually read by the Council in the Clerk's report. Upon being duly seconded by Councilman Drake, the motion was unanimously adopted by the Council, and the minutes so approved.

MR. JESSE BARTLETT appeared before the Council in behalf of E. MONTE WHITTEN, whose taxi-cab drivers permit had been revoked the week before. MR. BARTLETT asked that the permit be reinstated, and explained the circumstances under which some of the traffic violations had been committed, and stating MR. WHITTEN was a student in the University. After discussion, and after the Chief of Police stated he would give him another chance and counsel with him, Councilman Long moved that his taxi-cab drivers permit be reinstated on a probational basis. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacCorkle

MRS. JOHN R. GERHARDT, 1521 Koenig Lane; MRS. DONALD HEINE, MRS. HOBART SMITH, and MRS. EDWARD ALLEN appeared before the Council asking for a cheaper paving of Koenig Lane, stating it was to be used as a highway, and the width of it as such made the paving costs higher, and worked a hardship on those with corner lots. The Mayor stated the paving program for this year was already under way, and advised them to go ahead and get signed up for next year's paving program; and that something might be worked out on the corner lots to keep the costs from being so heavy on the owners. The Mayor asked that this street be included in the asphalt-mixture-sprinkling schedule.

MR. M. H. CROCKETT appeared before the council asking special permission to use a two-course asphalt treatment from the pavement on Riverside Drive on to his property, as he wanted to pave his parking lot there and extend this topping to the street, stating this would cure the dust problem in that section and would be of no cost to the city. The Mayor stated the Council and City Manager and City Engineer would look into this and let them know this afternoon, but suggested that he go ahead and put in the curbs as was required.

MRS. MAUD PRIDGEN, along with her attorney, MR. ROBERT B. THRASHER, asked that East Avenue be named "BROADWAY" as requested by their petition; and requested that a public hearing be held on this matter. The Mayor thought it best to wait until the project is finished. After discussion, the Council set SEPTEMBER 28, 1950, 10:00 A.M. as the date for public hearing on this matter.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in HARMON AVENUE, from a point 340 feet north of East 46th Street northerly 420 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said HARMON AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in WILSHIRE BOULEVARD, from Wilshire Parkway northerly 180 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said WILSHIRE BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in FRENCH PLACE, from a point 65 feet south of Edgewood Avenue northerly 70 feet, the centerline of which gas main shall be 1 foot west of and parallel to the east property line of said FRENCH PLACE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in WOODROW AVENUE, from a point 206 feet south of Koenig Lane, northerly 257 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Woodrow Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in WOODROW AVENUE, from Arcadia Avenue northerly 316 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said WOODROW AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in SABINE STREET, from East 1st Street northerly 131 feet, the centerline of which gas main shall be 25 feet west of and parallel to the east property line of said SABINE STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in SABINE STREET across East 1st Street intersection, the centerline of which gas main to be on the southerly prolongation of the east line of Sabine Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in EAST 1ST STREET, from Sabine Street to East Avenue, the centerline of which gasmain shall be 13 feet north of and parallel to the south property line of said EAST 1st STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in EAST AVENUE from East 1st Street southerly 13 feet, the centerline of which gas main shall be 27 feet east of and parallel to the west property line of said EAST AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A 9' x 6' x 7' gas regulator pit in East 12th Street, the centerline of the 9-foot axis to be 10 feet east of the east line of Harvey Street and the centerline of the 6-foot axis to be $5\frac{1}{2}$ feet south of the northline of East 12th Street.

(11) A 9' x 6' x 7' gas regulator pit in Woodrow Avenue, the centerline of the 9-foot axis to be 10 feet north of the north line of North Loop Boulevard and the centerline of the 6-foot axis to be 4 feet west of the east line of Woodrow Avenue.

(12) A 9' x 6' x 7' gas regulator pit in Brentwood Street, the centerline of the 9-foot axis to be 10 feet east of the east line of Wild Street and the centerline of the 6-foot axis to be 4 feet south of the north line of Brentwood Street.

(13) A 9' x 6' x 7' gas regulator pit in East 46th Street, the centerline of the 9-foot axis to be 9 feet east of the east line of Harmon Avenue and the centerline of the 6-foot axis to be $3\frac{1}{2}$ feet north of the south line of East 46th Street.

(14) A 6' x 4' x 4' gas regulator pit in Sabine Street, the centerline of the 6-foot axis to be 33 feet north of the north line of East 1st Street and the centerline of the 4-foot axis to be 25 feet west of the east line of Sabine Street.

(15) A 6' x 4' x 4' gas regulator pit in River Street, the centerline of the 6-foot axis to be 12 feet west of the west line of East Avenue and the centerline of the 4-foot axis to be 20 feet south of the north line of River Street.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that

greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION OF TWO TRACTS OF LAND (A) TRACT NO. 1 FROM "B" RESIDENCE DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON ORIGINAL LOTS 17, 18, 19 and 22 THROUGH 31, BLOCK 1, OUTLOT 1, DIVISION "Z", DUVAL ADDITION, ORIGINAL LOTS 3 AND 4, BLOCK 10, OUTLOT 11, DIVISION "Z", RAYMOND'S PLATEAU, AND (B) TRACT NO. 2 FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON NORTH 68 FEET OF LOTS 1 THROUGH 9, BLOCK 10, OUTLOT 10, DIVISION "Z", SAYARS SUBDIVISION; CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON ORIGINAL LOTS 1, 2, 3, 7, 8 and 9, BLOCK 1, AND ORIGINAL LOTS 1, 7, 8 and 9, BLOCK 2, Silliman Addition, OUTLOT 6, DIVISION "Z" AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOT 6, BLOCK A, BLUFF VIEW

ADDITION, AND LOTS 67 AND 68, OF OKIE HEIGHTS, LOCALLY KNOWN AS 708-10-12 SOUTH LAMAR BOULEVARD; ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Drake moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
 Noes: None
 Absent: Councilman MacCorkle

The ordinance was read the second time, and Councilman Drake moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
 Noes: None
 Absent: Councilman MacCorkle

The ordinance was read the third time, and Councilman Drake moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
 Noes: None
 Absent: Councilman MacCorkle

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson moved that the following applications for change of zoning, be set for public hearing on September 28, 1950, at 11:00 A.M.

MRS. VIRGIL SOUTHWORTH	Lot 6, East $\frac{1}{2}$ of Lot 5, Block 1, Outlots 23 & 24, Fairgrounds Addition-1910 E. 1st	From "C" Commercial To "C-2" Commercial NOT Recommended by the Zoning Board
REX SHIELDS	Lots 1 & 2, Block 2, Outlot 4, Division "O" 1500-02 E. 4th	From "B" Residential To "D" Industrial RECOMMENDED by the Zoning Board

The motion, seconded by Councilman Long, carried by the following vote:
 Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
 Noes: None
 Absent: Councilman MacCorkle

The Council received the following letter:

"August 31, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work
of Improving Travis Heights Boule-
vard from East Live Oak Street to
Mariposa Drive (E), being Unit 1
of Current Improvement Program

The work of improving Travis Heights Boulevard from the north property line of East Live Oak Street to the south property line of Mariposa Drive (E), known as Unit 1 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the contract, and the Plans and Specifications therein contained, dated November 22, 1949, between the City of Austin and Collins Construction Company, which contract was thereafter assigned to Collins Construction Company of Texas.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,

(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas "

Councilman Johnson then introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING TRAVIS HEIGHTS BOULEVARD, UNIT 1, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-BELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacCorkle

The ordinance was read the second time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its third reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacCorkle

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacCorkle

The Mayor then announced that the ordinance had been finally passed.

The Council received the following letter:

"August 31, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work
of Improving Josephine Street from
Treadwell Street to Juliet Street,
being Unit 25 of Current Improve-
ment Program

The work of improving Josephine Street from the north property line of Treadwell Street to the south property line of Juliet Street, known as Unit 25 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the contract, and the Plans and Specifications therein contained, dated November 22, 1949, between the City of Austin and Collins Construction Company, which contract was thereafter assigned to Collins Construction Company of Texas.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,

(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas "

Councilman Johnson then introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING JOSEPHINE STREET, UNIT 25, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-BELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacCorkle

The ordinance was read the second time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its third reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacCorkle

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacCorkle

The Mayor then announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southwest corner of the intersection of East 1st Street and Anthony Street which property fronts 96 feet on East 1st Street and 140.5 feet on Anthony Street and being known as Lots 1 and 2, Block N, Outlot 37, Division 0 of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said R. E. Leigh to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all the ordinances, relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic, and fire regulations, and the right of revocation is retained, if after hearing, it is found by the City Council that the said R. E. Leigh has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendation attached)

August 31, 1950

Mr. Walter Seaholm
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of R. E. Leigh for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southwest corner of the intersection of East 1st Street and Anthony Street which property fronts 96 feet on East 1st Street and 140.5 feet on Anthony Street and being known as Lots 1 and 2, Block N, Outlot 37, Division 0 of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is under option to R. E. Leigh and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

There is a storm sewer inlet on the south side of East 1st Street approximately 96 feet west of the above described property.

We recommend that R. E. Leigh be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached which plan bears the Department of Public Works file number 2-C-1372.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-C-1372 and shall be of the pre-moulded type.

(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certificate of Operation before such filling station can be put into service.

Respectfully submitted,
(Sgd) C. G. Levander
Director of Public Works
(Sgd) J. C. Eckert
Building Inspector

Which motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacCorkle

There being no further business, the Council adjourned at 11:15 subject to the call of the Mayor.

APPROVED:


Mayor

ATTEST:


City Clerk